

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

James A. Fleming,) C/A No. 9:13-3377-DCN-BM
vs.)
Plaintiff,)
vs.)
Medical Nurse, SCDC; William Brown, Officer)
SCDC; L. Williams, Officer SCDC; E. Tyler,)
Officer SCDC; Bernard McKie, Warden SCDC;)
Robert Ward, Acting Director, in their individual)
and official capacities.)
Defendants.)

)

ORDER

This is a civil action filed by a state prisoner. At the time Plaintiff filed this action, he named "Medical Nurse, SCDC" as a Defendant. On September 8, 2014, the Honorable David C. Norton, United States District Judge, ordered that Plaintiff be given an additional thirty days to identify, in writing, the individual Nurse against whom he asserts claims in this lawsuit. ECF No. 50 at 2. On October 20, 2014, Plaintiff identified the individual Nurse as "Shella Mahoney, R.N."

TO THE CLERK OF COURT:

The Clerk of Court is directed to correct the name of Defendant "Medical Nurse, SCDC" to "Shella Mahoney, R.N." as Plaintiff has now identified this Defendant.

The Clerk of Court is directed to issue the summons and to forward copies of this Order, the summons, the Complaint (ECF No. 1), and the Form USM-285 to the United States Marshal for service of process. **A copy of this Order must be provided to the United States Marshal.**

TO THE UNITED STATES MARSHAL:

The United States Marshal shall serve the Complaint on Defendant Mahoney. The United States Marshals Service is advised that it must expend a reasonable investigative effort to locate a defendant once a defendant is properly identified. See Greene v. Holloway, No. 99-7380, 2000 WL 296314, at *1 (4th Cir. 2000) (citing with approval Graham v. Satkoski, 51 F.3d 710 (7th Cir. 1995)). If the information provided by Plaintiff on the Form USM-285 is not sufficient for the Marshal to effect service of process, after reasonable investigative efforts have been made to locate a properly identified Defendant, the Marshal should so note in the "Remarks" section at the bottom of the Form USM-285.

[Handwritten signatures/initials: J.A.F., J.M., and others]

TO DEFENDANT MAHONEY:

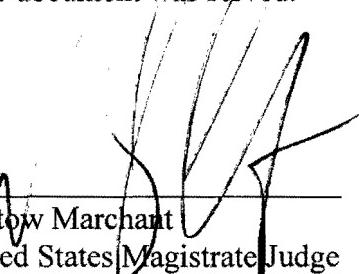
Defendant Mahoney is directed to file an answer to the Complaint or otherwise plead.

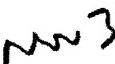
TO PLAINTIFF:

Plaintiff **must** provide, and is responsible for, information sufficient to identify Defendant on the Form USM-285. The United States Marshal cannot serve an inadequately identified defendant. **An unserved Defendant may be dismissed as parties to this case if not served within the time limit governed by Rule 4(m) and this Order.**

Pursuant to Rule 5 of the Federal Rules of Civil Procedure, any documents filed subsequent to the initial pleading must be served on parties. Unless otherwise ordered, service of subsequently filed documents on a defendant represented by an attorney is made on the attorney. Service on attorneys who have made an appearance in this court is effected by the court's Electronic Case Filing system through a computer generated notice of electronic filing. However, prior to Defendant's attorney making an appearance in this court, Plaintiff must serve Defendant with any documents Plaintiff files subsequent to the initial pleading and file a certificate of service that states who was served, what document was served, and how the document was served.

IT IS SO ORDERED.


Bristow Marchant
United States Magistrate Judge


October , 2014
Charleston, South Carolina